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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,710	11/11/2003	James Michael Stephens	JMS-1-CON	5478

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EXAMINER	
BASINGER, SHERMAN D	

ART UNIT	PAPER NUMBER
3617	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/705,710	STEPHENS, JAMES MICHAEL	
	Examiner	Art Unit	
	Sherman D. Basinger	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-3 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-3 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 11/11/03 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11/11/03.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The status of the parent application should be made current under the specification subtitle RELATED APPLICATION.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The output shaft of the motor has been included twice, once in line 8 of claim 1 and once in line 9 of claim 1. In line 9 of claim 1 "an output shaft" should be corrected to "said output shaft".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denston in view of Young and Hornbostel.

Denston discloses an apparatus for aiding in steering and maneuvering a boat 15 having

a hull and equipped with an engine 55 for propelling said boat through water comprising:

a thruster 10 carried by the hull of said boat for selectively supplying a driving force in substantially a first direction or a second direction perpendicular to a longitudinal axis of said boat,

said thruster including an electric motor 21;

an output shaft carried by said motor (that which extends vertically) ;

said electric motor being fixed to said hull and having an output shaft extending substantially perpendicular to said longitudinal axis of said boat (that carrying the propeller);

a propeller 24 carried by said output shaft for being selectively rotated in a clockwise or counterclockwise direction by said motor;

a source of power 24 for energizing said motor ;

and an electric circuit 25,26 connecting said source of power to said motor for selectively energizing said motor for rotating said motor in a clockwise or counterclockwise direction (see column 4, lines 15-22).

Denston does not disclose

a remote radio frequency transmitter,

a radio frequency receiver carried on said boat and electrically connected to said electric control circuit, and

switching members carried by said radio frequency transmitter for selectively transmitting radio frequency signals to said radio frequency receiver causing said electric circuit to energize said motor of said thruster to produce a driving force in a first or second direction substantially perpendicular to a longitudinal axis of said boat for imparting a moving force to said boat.

Denston further does not disclose wherein said electric circuit includes a relay circuit and at least two switches wherein when said source of power is connected through one of said two switches to said electric motor said output shaft of said motor is rotated in one direction and when said source of power is connected through said other of said two switches said output shaft of said motor is rotated in the opposite direction, and wherein said relay circuit includes a pair of relays for selectively closing said two switches responsive to said transmitted radio frequency signals.

Young discloses the control of a trolling motor similar to that of Denston with a radio transmitter and receiver and relays while Hornbostel discloses the control of electric motors which are reversible with a radio transmitter and receiver 66 and 98, a pair of relays 91 and 92 and two switches 123 and 124 associated with the relays.

In view of what is taught by both Young and Hornbostel and what is disclosed by Denston in column 2, lines 66-end, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide to Denston a remote radio frequency transmitter, a radio frequency receiver carried on said boat and electrically connected

to said electric control circuit, switching members carried by said radio frequency transmitter for

selectively transmitting radio frequency signals to said radio frequency receiver causing said electric circuit to energize said motor of said thruster to produce a driving force in a first or second direction substantially perpendicular to a longitudinal axis of said boat for imparting a moving force to said boat, a relay circuit and at least two switches wherein when said source of

power is connected through one of said two switches to said electric motor said output shaft of said motor is rotated in one direction and when said source of power is connected through said other of said two switches said output shaft of said motor is rotated in the opposite direction, and wherein said relay circuit includes a pair of relays for selectively closing said two switches responsive to said transmitted radio frequency signals.

Motivation to do so is to control the thruster of Denston from anywhere in the boat. Both Young and Denston teach that a trolling motor can be remotely controlled. Young teaches that this control can be by a radio transmitter and receiver. Hornbostel teaches how relays and switches can control an electric motor which is reversible.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stephens is the parent patent of the instant application.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sherman D. Basinger
Primary Examiner
Art Unit 3617

7/2/04

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